

**REMARKS**

Claims 23-30 remain pending in the application.

**Claims 1, 3-7, 9-13 and 17-19 over Segale**

Claims 1, 3-7, 9-13 and 17-19 were rejected under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 6,262,660 to Segale et al. ("Segale"). The Applicants respectfully traverse the rejection.

Claims 1, 3-7, 9-13 and 17-19 were canceled in a preliminary Amendment filed April 20, 2004 (attached for your convenience). Thus, the Examiner has NOT addressed PENDING claims 23-30.

**Claims 8, 14-16 and 20-22 over Segale in view of Treyz**

Claims 8, 14-16 and 20-22 were rejected under 35 USC 103(a) as allegedly being obvious over Segale in view of U.S. Patent No. 6,711,474 to Treyz et al. ("Treyz"). The Applicants respectfully traverse the rejection.

Claims 8, 14-16 and 20-22 were canceled in a preliminary Amendment filed April 20, 2004 (attached for your convenience). Thus, the Examiner has NOT addressed PENDING claims 23-30.

**Comments for Claims 23-30**

Claims 23-30 recite a wireless piconet front end and a piconet communications device.

The Office Action points to Segale at Fig. 3, Fig. 4 and col. 6, lines 15-60 to disclose a wireless piconet front end. However, Segale at Fig. 3, Fig. 4 and col. 6, lines 15-60 simply discloses a central base unit 12 and a remote unit 14 that rely on radio frequencies. Segale fails to disclose or suggest the use of any type of piconet device, much less disclose or suggest use of a system and method relying on a a wireless piconet front end and a piconet communications device, as recited by claims 23-30.

Thus, Segale fails to demonstrate EACH and EVERY element of the claims. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co.,

868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). “Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture.” Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

Moreover, Segale's invention is directed toward a system and method of detecting when a child is approaching a home while still on a bus (Fig. 1). Segale's system and method relies on long range communications to allow a parent enough time to leave the home and meet the child at a curb. Thus, Segale **TEACHES AWAY** from use of short range communication mediums, such as a piconet, e.g., a BLUETOOTH that the Office Action points to in Treyz (See Office Action, page 5).

Moreover, modifying Segale with a BLUETOOTH transceiver would render Segale inadequate for its intended purpose. The Examiner points out that Treyz discloses BLUETOOTH as short-range protocol that is typically characterized by distances on the order of a small fraction of a foot to hundreds of feet (e.g., 500 feet) (See Office Action, page 5). As discussed above, Segale's invention is directed toward a system and method of detecting when a child is approaching a home while still on a bus, relying on long range communications to allow a parent enough time to leave the home and meet the child at a curb. Modifying Segale with a BLUETOOTH transceiver would NOT allow a parent to detect a child until the child was practically in front of the home (even closer) depending on a size of a front yard, a size of a home, the location of a transceiver within a home, etc.). Thus, modifying Segale to use a BLUETOOTH transceiver would NOT allow a parent to be alerted with enough advance to allow a parent to meet a child at a school bus drop off location.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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IN RE PATENT APPLICATION OF:

**CANNON ET AL.**

TITLE:

**ACCESS MONITORING VIA PICONET CONNECTION TO TELEPHONE**

April 20, 2004

## PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Prior to calculation of fees, kindly preliminarily amend the above-referenced application as follows:

**IN THE SPECIFICATION:**

Kindly amend the specification as follows:

Page 1, before the first line after the title, please insert the following paragraph:

This application is a Continuation application of U.S. Appl. No. 09/553,283, entitled "ACCESS MONITORING VIA PICONET CONNECTION TO TELEPHONE", filed on April 20, 2000, to CANNON et al.

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (canceled)

2. (canceled)

3. (canceled)

4. (canceled)

5. (canceled)

6. (canceled)

7. (canceled)

8. (canceled)

9. (canceled)

10. (canceled)

11. (cancelled)

12. (cancelled)

13. (canceled)

14. (canceled)

15. (cancelled)

16. (cancelled)

17. (cancelled)

18. (canceled)

19. (canceled)

20. (canceled)

21. (canceled)

22. (canceled)

23. (new) A telephone answering device, comprising:

a digital answering machine; a wireless piconet front end; and a monitoring module to determine a presence of a monitored person within a monitored area, said monitoring module determining a presence of a user of said telephone answering device when a piconet device uniquely associated with said user is present in a piconet including said wireless piconet front end of said telephone answering device; wherein said telephone answering device automatically answers an incoming call when said monitoring module determines that said user is not present, and allows additional rings when said user is present

24. (new) The telephone answering device according to claim 23, further comprising:

a wireless piconet entrance/exit monitor in communication with said telephone answering device determining a presence of said user based on a physical movement of a personal wireless piconet identifying device worn by said user.

25. (new) A method of automatically answering a telephone call, comprising:

searching for a presence of a user of a telephone answering device via a piconet communications device associated with said user's presence; automatically answering said telephone call if said user is not present; and allowing said telephone call to continue to ring if said user is present as determined by a presence of said piconet communications device associated with said user's presence.

26. (new) The method of automatically answering a telephone call according to claim 25, further comprising:

implementing said piconet communications device with jewelry worn by said user.

27. (new) The method of automatically answering a telephone call according to claim 25, further comprising:

implementing said piconet communications device with a wallet or purse of said user.

28. (new) Apparatus for automatically answering a telephone call, comprising:

means for searching for a presence of a user of a telephone answering device via a piconet communications device associated with said user's presence; means for automatically answering said telephone call if said user is not present; and means of allowing said telephone call to continue to ring if said user is present as determined by a presence of said piconet communications device associated with said user's presence.

29. (new) The apparatus for automatically answering a telephone call according to claim 28, further comprising:

means for implementing said piconet communications device with jewelry worn by said user.

30. (new)The method of automatically answering a telephone call according to claim 28, further comprising:  
means for implementing said piconet communications device with a wallet or purse of said user.

**REMARKS**

Original claims 1-22 having been canceled and claims 23-30 are newly added herein.

**Claim of Priority**

Applicants hereby claim the benefit under Title 35, United States Code, 120 of the following United States patent application:

U.S. Appl. No. 09/553,283, filed April 20, 2000,  
entitled "Access Monitoring via Piconet Connection to  
Telephone."

All written communications are to be addressed to the undersigned's most recent address of:

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Early and favorable action on the merits is respectfully requested.

Respectfully submitted,



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